

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

FEB 05 2025

Brenton Smith, Plaintiff,]
v.] Civil Action No. 1:25-cv-00066-SEG
United States, Defendant.] EMERGENCY RELIEF REQUESTED

KEVIN P. WEIMER, Clerk
By  Deputy Clerk

MOTION FOR EXPEDITED HEARING

COME NOW Plaintiff, Brenton Smith, respectfully requests that the Court grant an expedited hearing on the case number 1:25-cv-00066-SEG pursuant to Local Rule 7.2(B) of the Northern District of Georgia. Under this rule, this Court "may waive the time requirements of this rule and grant an immediate hearing on any matter requiring such expedited procedure" based on good cause as follows:

Time-Sensitive Nature of the Issue:

- 1) The Trustees of the Social Security Trust Funds are likely working on the annual report, which will frame the discussion of the program's stability for another year.
 - a) Delay in the resolution to this dispute will impede policy discussions on the stability of a program serving millions, and will create the possibility that Congress will be unable to accurately score policy proposals under consideration.
 - b) Whether Plaintiff is right or wrong, it is in the best interests of all involved to settle this matter before work on that document starts because the Trustees have in the past not updated their work to reflect changes in the economy or law.

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- 2) Millions of people are making irreversible decisions based on the enactment of this law.
 - a) There are people who believe that they will be collecting more in the way of benefits based on this legislation. If the Plaintiff is correct, delay in this case threatens the lives of those who wrongly believe that they will receive benefits.
 - b) There are people who will claim benefits early because they wrongly believe that the Congress is weakening the program as explained in the complaint.

Good Faith Efforts to Resolve:

Parties will not be able resolve the matter without court intervention because the case can be reduced to 3 questions on which parties cannot reasonably find common ground.

- 1) Does this Court have authority to review the Social Security Fairness Act based on the precedent set in Helvering v. Davis | 301 U.S. 619 (1937) ("Helvering")?
- 2) If Social Security is a "public good" aiding the "general welfare" as recognized in Helvering, does Congress have the power under the Constitution to authorize spending which encourages people to not use the program.
- 3) If paying people to not use Social Security aids the "general welfare", did Congress give substantial thought - as demonstrated in Helvering - to how to finance the increase in expenses authorized by the Social Security Fairness Act of 2023?

WHEREFORE, Plaintiff respectfully requests that the Court schedule an expedited hearing in this case to the earliest possible date.

Dated: February 1, 2025

Respectfully submitted,

Brenton Smith, Pro-Se

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the Petitioner's Complaint and Summons via certified mail to:

Richard S. Moultrie, Jr.
Acting U.S. Attorney for the Northern District Of Georgia
75 Ted Turner Drive, SW
Atlanta, GA 30303-3309

The Honorable James R. McHenry III
Acting Attorney General of the United States
950 Pennsylvania Ave., NW,
Washington, D.C. 20530

As Courtesy Copies

Acting Commissioner Michelle King
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Social Security Administration
6401 Security Boulevard
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Assistant Attorney General for Administration
U.S. Department of Justice
Justice Management Division
950 Pennsylvania Avenue, NW
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Respectfully submitted this 1st day of February, 2025.

Brenton Smith
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